

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:97-CR-82

v.

HON. ROBERT HOLMES BELL

RODNEY ATKINSON,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #1229). Based on a review of defendant's motion, the Sentence Modification Report, submission by counsel for both parties, and the original criminal file, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on May 1, 1998 to 240 months custody and 5 years supervised release following his conviction for Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine and Cocaine Base contrary to 21 U.S.C. §§846 and 841(a)(1).

The Sentence Modification Report prepared as a result of defendant's Amendment 750 motion states that defendant's total offense level of 38, criminal history category of I,

and guideline range of 235 to 293 months, remain unchanged from the guidelines at his original sentencing on May 1, 1998.

Since Amendment 750 does not result in a lower guideline range, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10(a)(2)(B).

ACCORDINGLY, defendant's motion (docket #) is **DENIED**.

Date: July 16, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE